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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE August 11, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Lan Dev LLC (Oak Terrace)	FILE NO. TRACT 2558 S020372
SUBJECT Proposal by George Newman, Land Development, LLC for a Tentative Tract Map 2558 to subdivide a 3.26 acre parcel into fifteen lots ranging from 6,000 to 7,011 square feet each for the purpose of sale and/or development, and the creation of an on-site road (Oak Terrace Circle). The project includes off-site road improvements to Magenta Lane and Oak Terrace Lane. One on-site underground stormwater basin would be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains would be constructed to the northeast on adjacent property owned by the applicant. The project will result in the disturbance of approximately four acres. The proposed project is within the Commercial Retail and Office and Professional land use category and is located on the north side of Tefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo, in the South County (Inland) planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2558 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 24, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval.			
LAND USE CATEGORY Residential Single-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-572-027, -028	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Does the project conform to the Planning Area Standards – Yes, see discussion			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.060 – Residential Single-Family Subdivision Design			
EXISTING USES: Residences, sheds			
COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING COUNTY GOVERNMENT CENTER, CA 93408 805-781-5600 WWW.SLOPLANNING.ORG			

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SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single-Family / undeveloped South: Commercial Retail / church, parking area		East: Office/Professional / residence West: Residential Single-Family / residences,
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans, Regional Transit Authority		
TOPOGRAPHY: Gently to moderately sloping	VEGETATION: Grasses, forbs, coast live oak trees, eucalyptus trees	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: July 16, 2004	

ORDINANCE COMPLIANCE:

Minimum Parcel Size

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on local streets	6,000 square feet
Slope	Average slope is between 0 and 15 %	6,000 square feet
Water Supply and Sewage Disposal	Community Water Community Sewer	6,000 square feet

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PLANNING AREA STANDARDS:

The project site is located within the Nipomo Urban Area. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and will also be connected to the NCSD sewer.

<u>Planning Area Standard</u>	<u>Allowed/Required</u>	<u>Complies?</u>
Right-of-way dedication	For public streets, pathways, bicycles	Yes, dedications shown
Sewer connection	Community sewer required	Yes, will connect to NCSD

West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project generally meets the principles and standards of the draft design plan. The project includes dedication of right-of-way for Magenta and Primrose Lanes, which will allow a future connection to the east and help satisfy the modified grid pattern envisioned in the design plan.

ENVIRONMENTAL DETERMINATION:

Biological Resources. Vegetation on the project site consists of grasses, forbs, shrubs, coast live oak trees (*Quercus agrifolia*), pine trees, and eucalyptus trees. Thirty-two coast live oak trees are present on the project site. The County of San Luis Obispo considers oak woodland and individual oak trees sensitive native vegetation. Recent passage of SB1334 (Kuehl) further recognizes the importance of preserving oaks, and includes specific measures relating to tree diameter, monitoring replacement trees, and additional measures (e.g., easements). The applicant submitted an arborist's report stating that 19 of the 32 trees are "in such poor condition they will require removal". The remaining 13 coast live oak trees are also proposed for removal, for a total removal count of 32. The applicant has agreed to mitigate for 16 of the removed trees by replacing each tree at a 4:1 ratio (for a total of 64 coast live oak trees), and provide a conservation easement for 16 trees not currently under protection. The restoration area is required to be owned by a non-profit or governmental agency.

Cultural Resources. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A *Cultural Resources Survey and Impact Assessment* (C.A. Singer & Associates, Inc.; March 15, 2004), *Phase II Subsurface Testing CA-SLO-809* (C.A. Singer & Associates, Inc.; December 19, 2004), *Phase II Subsurface Testing 128 Mary Avenue* (C.A. Singer & Associates, Inc.; December 2, 2004), and the *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report* (Greenwood and Associates; May 2005) were completed for the project site. Based on the results of the records search and Phase I field survey, small quantities of prehistoric artifacts were observed on a parcel adjacent to the project site, in addition to significant recorded sites in the immediate region (C.A. Singer & Associates, Inc.; March 15, 2004). No cultural deposits were observed on the project site. To ensure that significant impacts to archaeological resources are avoided, the applicant has agreed to retain a County-approved archaeologist to prepare a construction monitoring plan to be implemented during

initial ground disturbance and grading activities.

COMMUNITY ADVISORY GROUP COMMENTS: Recommends support of the project with comments to provide curvilinear sidewalks where possible, total project to be integrated even if phased, developer/builder to conform with proposed W. Tefft Corridor Guidelines.

AGENCY REVIEW:

Public Works – Recommend approval with conditions.

Environmental Health – Provide intent to serve or will serve from NCSD to this office.

County Parks – Payment of Quimby and Building Division fees.

CDF – See fire safety letter dated June 30, 2003.

Nipomo Community Services District – Intent-to serve letter provided.

APCD - Includes recommendations for dust control, developmental burning, demolition, wood burning devices.

RTA – Provide a fee for a new or existing bus stop in the general area of the project.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 24, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single-Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support single-family residences.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for aesthetics, air quality, biological resources, cultural resources, geology and soils, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2558

Approved Project

1. Proposal by George Newman, Land Development, LLC for a Tentative Tract Map 2558 to subdivide a 3.26 acre parcel into fifteen lots ranging from 6,000 to 7,011 square feet each for the purpose of sale and/or development, and the creation of an on-site road (Oak Terrace Circle). The project includes off-site road improvements to Magenta Lane and Oak Terrace Lane. One on-site underground stormwater basin would be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains would be constructed to the northeast on adjacent property owned by the applicant. The project will result in the disturbance of approximately four acres.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Oak Terrace Lane constructed to an A-2 urban section within a 50 foot dedicated right-of-way.
 - b. Primrose Lane constructed to a 2/3 A-2 urban (min. 24 feet) section within a 40 foot dedicated right-of-way.
 - c. Oak Terrace Circle constructed to an A-2 urban cul-de-sac section within a private easement.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20 foot radius property line return at the intersection of all streets.
4. A private easement be reserved on the map for access to lots 11 through 15.
5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (NCSD/County Health).

- d. Sewer plan (NCSD/County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
9. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
10. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Drainage

11. Submit complete drainage calculations to the Department of Public Works for review and approval.
12. Drainage must be retained in a drainage basin. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
13. The drainage basin along with rights of ingress and egress be:
a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.
15. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Utilities

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.

Design

19. The lots shall be numbered in sequence.
20. All the structures on the property be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.
21. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

23. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

24. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.
25. **Prior to recordation of the final map**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);

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- d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
26. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
27. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.
28. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.
29. **Prior to recordation of the final map**, the applicant shall pay a fee of \$7,300 to be placed in an escrow account and applied to a new or existing bus stop within the area of the project.

Additional Map Sheet

30. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - b. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 30, 2003 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
 - c. **Prior to issuance of construction permits**, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials. All structures shall comply with any adopted design standards for the area at the time of construction permits.
 - d. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.

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- e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - v. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- g. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- h. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- i. **Prior to issuance of construction permits**, proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units. APCD approved devices include the following:
 - i. All EPA-Certified Phase II wood burning devices.
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
 - iii. Non-catalytic wood burning devices that emit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.

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- iv. Pellet-fueled woodheaters.
- v. Dedicated gas-fired fireplaces.
- j. **Prior to recordation of the final map**, the applicant shall enter into an off-site conservation easement with the County or pay a compensatory fee as directed by the County into an oak preservation/restoration fund for future development areas for 16 of the 32 coast live oak trees to be removed. The intent of the easement is primarily to protect the populations of coast live oak trees. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. All hoofed animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable future structures shall be setback from the edge of the open space/ conservation easement area the distance recommended by CDF. This setback shall be **shown on all applicable future construction plans**.
- k. **Prior to recordation of the final map**, the applicant shall submit for county-approval, an Off-site Restoration Plan prepared by a county-qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) for the remainder 16 coast live oak trees that shows a comparable off-site area can be restored with coast live oak trees. The site must have the following components:
 - i. The off-site area is owned or controlled by a non-profit or governmental agency;
 - ii. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
 - iii. There is comparable area available for coast live oak restoration;
 - iv. It is within close proximity of the subject property;
 - v. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);
 - vi. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting, all restoration work, and monitoring/ maintenance/ remedial work for at least 7 years;
 - vii. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored;
 - viii. If targeted area fails, bond shall be applied to establishing a second area.

The plan shall provide for the replacement, in kind at a 4:1 ratio, 16 coast live oak trees removed as a result of the development of the project, for a total replacement count of 64 coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees;

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on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- l. Prior to final inspection of subdivision improvements or grading permits**, and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building in compliance with the Off-site Restoration Plan.
- m.** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years, in compliance with the Off-site Restoration Plan. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
- n. Prior to commencement of tree removal**, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March through August), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
- o. Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include

outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

- p. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Covenants, Conditions and Restrictions

31. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - c. **Prior to issuance of construction permits**, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials.
 - d. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- v. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- g. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- h. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- i. **Prior to issuance of construction permits**, proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units. APCD approved devices include the following:
 - i. All EPA-Certified Phase II wood burning devices.
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
 - iii. Non-catalytic wood burning devices that emit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
 - iv. Pellet-fueled woodheaters.
 - v. Dedicated gas-fired fireplaces.
- j. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- k. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to

½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Miscellaneous

32. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
33. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

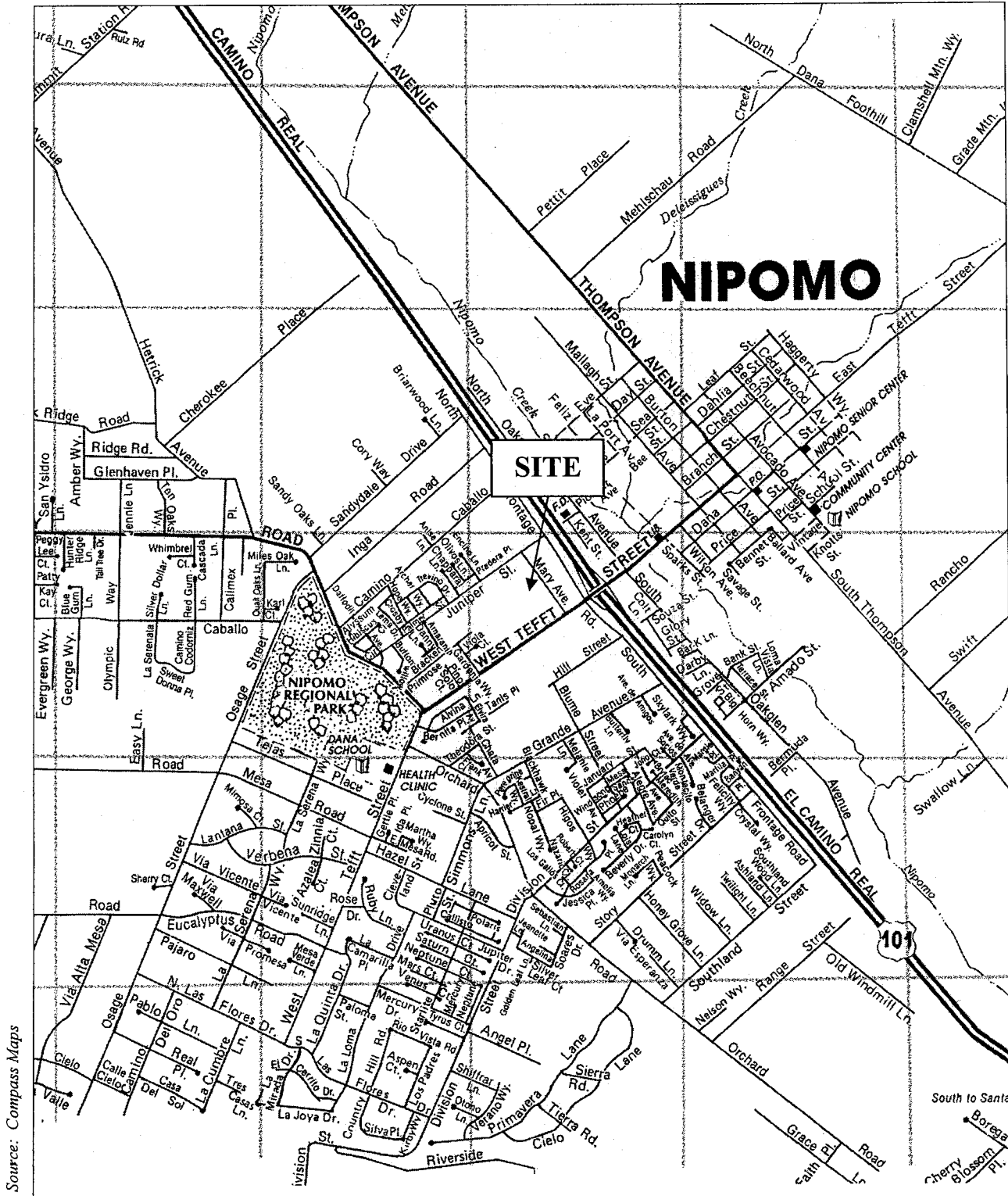
3-16

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin

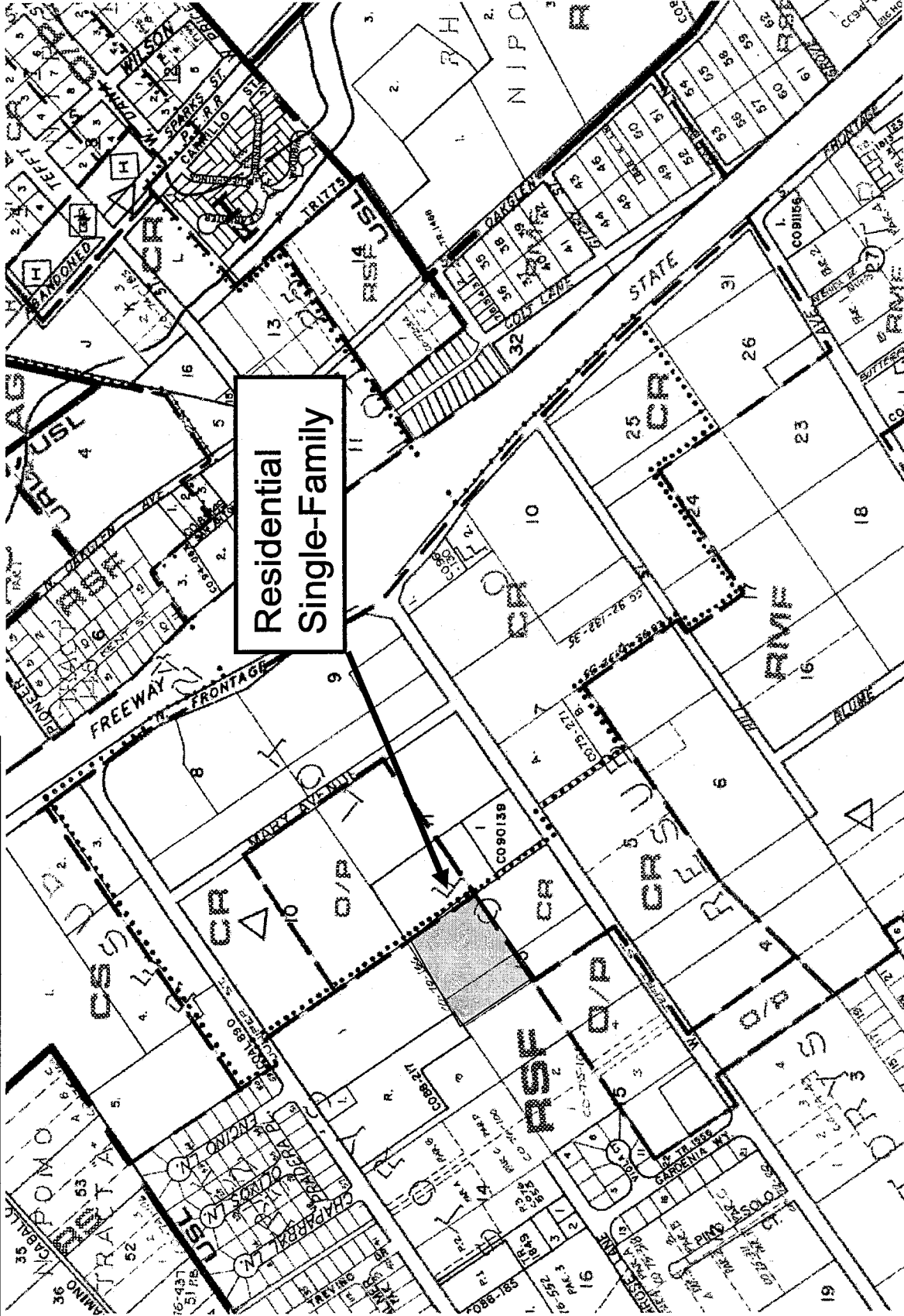


NORTH
Not to Scale

VICINITY MAP

FIGURE 1

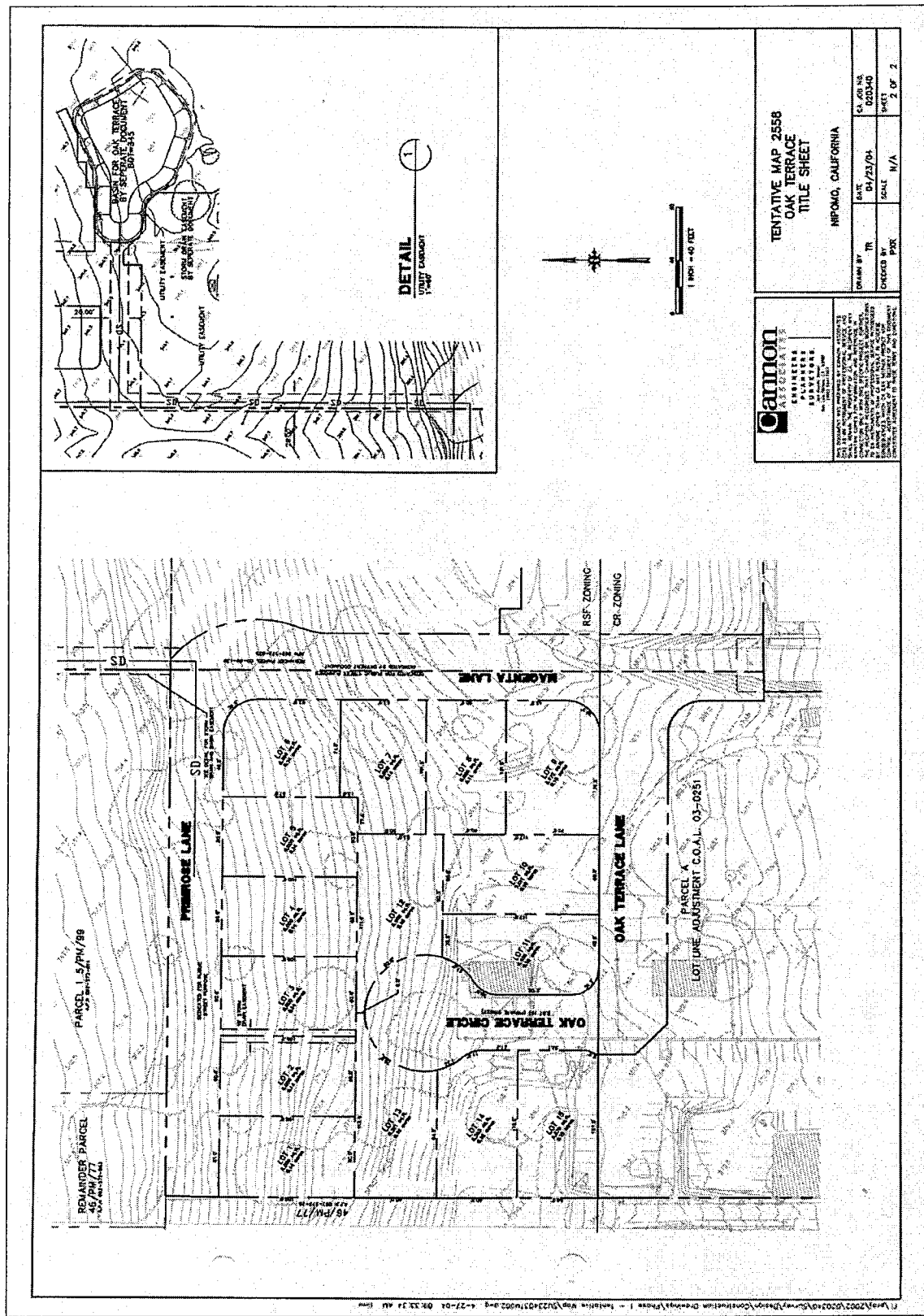
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Land Use Map

Oak Terrace Tract Map

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Source: Cannon Associates



NORTH
Not to Scale

**TENTATIVE TRACT MAP
FIGURE 4**

Morro Group, Inc.

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (BP)

ENVIRONMENTAL DETERMINATION NO. ED04-026

DATE: July 7, 2005

PROJECT/ENTITLEMENT: Oak Terrace Tract Map S020372T, Tract 2558

APPLICANT NAME: George Newman

ADDRESS: 1361 Viva Way Nipomo, CA 93444

CONTACT PERSON: Same as applicant

Telephone: 805-929-4236

PROPOSED USES/INTENT: Request by George Newman, Land Development, LLC to subdivide a 3.26 acre parcel into fifteen lots ranging from 6,000 to 7,011 square feet each for the purpose of sale and/or development, and the creation of an on-site road (Oak Terrace Circle). The project includes off-site road improvements to Magenta Lane and Oak Terrace Lane. One onsite underground stormwater basin would be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains would be constructed to the northeast on adjacent property owned by the applicant, which will result in the disturbance of approximately four acres.

LOCATION: On the north side of WestTefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo, in the South County (Inland) planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District; State Water Resources Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on July 21, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Oak Terrace Tract Map S020372T Tract 2558

Project Applicant

Name: George Newman
Address: 1361 Viva Way
City, State, Zip Code: Nipomo, CA 93444
Telephone #: 805-929-4236

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: _____

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Oak Terrace Tract Map; S020372T ED04-026

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Marcus Group (through Brian Pedrotti)</u>	<u>B.D. Pedrotti</u>	<u>6/24/05</u>
Prepared by (Print)	Signature	Date
<u>John Nall</u>	<u>John Nall</u>	<u>6/24/05</u>
Reviewed by (Print)	Signature (for)	Date
	Ellen Carroll, Environmental Coordinator	

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Proposal by George Newman, Land Development, LLC for a Tentative Tract Map to subdivide a 3.26 acre parcel into fifteen lots ranging from 6,000 to 7,011 square feet each for the purpose of sale and/or development, and the creation of an on-site road (Oak Terrace Circle). The project includes off-site road improvements to Magenta Lane and Oak Terrace Lane. One onsite underground stormwater basin would be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains would be constructed to the northeast on adjacent property owned by the applicant. The project will result in the disturbance of approximately four acres. The proposed project is located on the north side of Tefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo. The site is in the South County (Inland) planning area.

ASSESSOR PARCEL NUMBERS: 092-572-027, -028

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA:	South County (Inland)
LAND USE CATEGORIES:	Residential Single Family
COMBINING DESIGNATION(S):	None Applicable
EXISTING USES:	Church, Salvation Army donation trailer, parking areas, residences, sheds
TOPOGRAPHY:	Gently to moderately sloping
VEGETATION:	Grasses, forbs, coast live oak trees, eucalyptus trees
PARCEL SIZE:	6.0 acres

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SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Single Family/ undeveloped	<i>East:</i> Commercial Retail, Office Professional/ post office, residence, commercial center
<i>South:</i> Commercial Retail/ Tefft Street, commercial center, undeveloped	<i>West:</i> Residential Single Family, Office Professional/ residences, undeveloped

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the northern side of West Tefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo (refer to Figures 1 through 3). The topography of the project site slopes up to the north, peaks at a gently sloping ridge at an elevation approximately 50 feet above Tefft Street, and slopes down to an elevation of approximately 30 feet below the ridge. The landform flattens out beyond the northern boundary of the project site into an undeveloped field, which is bordered by Juniper Road to the north. Vegetation on the project site includes coast live oak, pine and eucalyptus trees, coastal scrub, and grasses.

Views from Tefft Street. The southern portion of the project site, adjacent to Tefft Street, currently supports a church and associated parking lot, a Salvation Army donation trailer, and sheds. Adjacent development includes a post office facility to the east, residential development to the west, and a commercial center to the south. The visual character along this section of Tefft Street is urban commercial, and mixed-use residential. Existing trees along the top of the ridgeline provide backdrop and a partial vegetative screen for the existing structures onsite.

Views from Juniper Street. The northern portion of the project site is generally undeveloped, and supports two residences and a shed. There is one residence to the immediate east, and one

residence to the northwest. The area between Juniper Street and the project site consists of an undeveloped field. The Nipomo Swap Meet area and residential neighborhoods are located on the north side of Juniper Street, and residential neighborhoods are located on the south side of Juniper Street, west of the project site. The visual character along Juniper Street is urban residential, and landscaping has been incorporated into surrounding development to minimize visual impacts of development.

Views from Highway 101.

Views of the project site and surrounding area are generally urban. The Nipomo Swap Meet lot and residences are located on the west side of the highway, north of the project site. The Vons commercial shopping center is located east of the project site, west of Highway 101. The project site is visible from the highway for approximately two to three seconds from the southbound travel lanes, in the midst of surrounding urban development. The project site is not visible from the northbound travel lanes due to intervening development.

Impact. The applicant proposes to subdivide the project site (3.26 acres) into fifteen lots, construct a stormwater detention basin to the northeast, construct a second underground stormwater detention basin, extend Magenta Lane to the north, and construct onsite road improvements including Oak Terrace Lane and Oak Terrace Circle along the southern perimeter of the tract, and Primrose Lane along the northern perimeter of the tract. Future development of the tract would include up to fifteen residences. The maximum height of each residence would be 35 feet. 32 coast live oak trees would be removed. The existing church would remain within the southwestern portion of the parcel. A section of church parking would be relocated to the east side of the church, and the residential structures and sheds would be demolished and removed from the project site. The Salvation Army donation trailer would be removed.

Views from Tefft Street. The applicant proposes to remove all coast live oak and eucalyptus trees located within the southeast portion of the parcel. Future structures would be visible, and would silhouette into the skyline as seen from the eastbound and westbound travel lanes of Tefft Street for approximately 0.1 mile. Based on the location of the project site within an urban area, and the presence of surrounding development, implementation of the proposed project would not significantly change the visual character of the area, or result in a significant source of light and glare.

Views from Juniper Street. As seen from Juniper Road, the project site appears generally undeveloped. As discussed above, approximately half of the trees located along the ridgeline, and on the northern slope of the hillside, would be removed as the project site is developed. Future structures would be visible, and would silhouette into the skyline as seen from the eastbound travel lane of Juniper Street for approximately 0.3 mile. Based on the presence of residential development to the west along Juniper Street and commercial development to the east, development of the proposed project site would not significantly change the visual character of the immediate area.

Views from Highway 101

Future development would be visible for approximately two to three seconds as seen from the southbound travel lane of Highway 101; however, due to surrounding urban development, visibility of the project would not result in a significant change in visual character or result in a significant visual impact.

Mitigation/Conclusion. The applicant has agreed to submit and implement a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to partially shield the visibility of future development, and minimize the visual effects of silhouetting as seen from both Tefft Street and Juniper Street, consistent with surrounding development. In addition, prior to issuance of building

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permits for individual lot development, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located in the Commercial Retail and Residential Single Family land use category. The soil type and class for "non-irrigated" and "irrigated" soil, as described in the Natural Resource Conservation Service (NRCS) Soil Survey, is Oceano sand (non-irr: IV, irr: IV). Surrounding land uses include commercial and residential development. No agricultural uses are present on the project site or surrounding area.

Mitigation/Conclusion. No agricultural incompatibility impacts would occur; therefore no mitigation measures are required.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralcoa Way Air Quality Monitoring Station. Based on the latest air monitoring station information the trend in air quality in the general area is improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle

emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The proposed project site is located adjacent to existing commercial and residential development, and a church along West Tefft Street. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately four acres of site disturbance would occur during grading activities for the construction of the building pads, residences, drainage improvements, utility installation, and on and off-site road improvements.

Impact. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project.

As identified by the APCD, air quality impacts during construction include the creation of fugitive dust (PM10), the potential release of asbestos during demolition of existing structures, the potential release of naturally occurring asbestos during grading, and un-permitted developmental burning.

Fugitive Dust (PM10). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines. If asbestos is present in onsite structures, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Naturally-Occurring Asbestos. The project site is located in an area containing potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

The proposed project would result in the construction and occupation of fifteen residences, which would generate approximately 144 average daily trips. This would not exceed APCD operational thresholds, and would not require mitigation. APCD noted that pursuant to District Rule 504, only APCD approved wood burning devices are permitted in new residences.

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and is consistent with the *Clean Air Plan*.

Mitigation/Conclusion. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures.

Fugitive Dust (PM10). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Material-Containing Asbestos. Prior to demolition of onsite structures or underground pipes, the applicant has agreed to comply with the requirements listed in the *National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP)*. These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Naturally-Occurring Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations*. These requirements include, but are not limited to implementation of a Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Wood Combustion. The applicant has agreed to install only APCD approved wood burning devices in proposed new dwelling units.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is partially disturbed parcel adjacent to commercial and residential development. Vegetation on the project site consists of grasses, forbs, shrubs, coast live oak trees

(*Quercus agrifolia*), pine trees, and eucalyptus trees. Based on the California Natural Diversity Database (2005), no special status species are documented in the immediate vicinity. The project site is located within vernal pool habitat region; however, no evidence of vernal pools or areas of standing water were observed onsite. No evidence of wetland or riparian vegetation was observed onsite.

Impact.

Native and Important Vegetation. Thirty-two coast live oak trees are present on the project site. The County of San Luis Obispo considers oak woodland and individual oak trees sensitive native vegetation. Recent passage of SB1334 (Kuehl) further recognizes the importance of preserving oaks, and includes specific measures relating to tree diameter, monitoring replacement trees, and additional measures (e.g., easements). The applicant submitted an arborist's report stating that 19 of the 32 trees are "in such poor condition they will require removal". The remaining 13 coast live oak trees are also proposed for removal, for a total removal count of 32.

Sensitive Wildlife Species. The mature trees on the project site provide potential habitat for nesting birds, which are protected by California Fish and Game Code Section 3500-3516. Nesting birds may be disturbed or harmed by tree removal, grading activities, disruptive construction equipment noise, and increased human activity near nesting areas, resulting in a potentially significant impact.

Mitigation/Conclusion. Several measures are required including monitoring for nesting birds, and replacement and conservation dedication or fee payment for removed oak trees. To mitigate for the removal of 32 coast live oak trees, the applicant has agreed to replace 128 coast live oak trees onsite (4:1 ratio). In addition to replanting of oaks, SB1334 requires that either a fee be paid into an oak preservation/restoration fund or provide for a conservation easement. The County is currently in the process of developing a standardized process in which to provide for these alternatives (refer to Exhibit B). Based on the above discussion and implementation of mitigation measures, impacts to biological resources would be reduced to insignificance.

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A *Cultural Resources Survey and Impact Assessment* (C.A. Singer & Associates, Inc.; March 15, 2004), *Phase II Subsurface Testing CA-SLO-809* (C.A. Singer & Associates, Inc.; December 19, 2004), *Phase II Subsurface Testing 128 Mary Avenue* (C.A. Singer & Associates, Inc.; December 2, 2004), and the *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report* (Greenwood and Associates; May 2005) were completed for the project site.

Archaeological Resources. The project site is located in an area historically occupied by the Obispeño Chumash. Based on the results of the records search and Phase I field survey, small

quantities of prehistoric artifacts were observed on a parcel adjacent to the project site, in addition to significant recorded sites in the immediate region (C.A. Singer & Associates, Inc.; March 15, 2004). No cultural deposits were observed on the project site. Resources observed on a parcel adjacent to the project site (also owned by the applicant) were determined to be surficial (C.A. Singer & Associates, Inc.; December 19, 2004). In addition, many of the deposit areas were disturbed (C.A. Singer & Associates, Inc.; December 2, 2004).

Historical Resources. Based on the *Supplemental Historical Resources Evaluation Report* prepared for the project site and adjacent parcels, the community of Nipomo began expanding westward towards the mesa in the early 1920s. The 1922 USGS map documents Tefft Street and Juniper Street as unimproved (dirt) roads, and Magenta Lane and Mary Avenue appear to have been farm roads prior to 1939. County residential building records document that the earliest buildings erected in this area date to the early 1900's. Commercial development in the area commenced in the 1960s. Historical aerials show the project site and adjacent area developed by residences and fruit orchards.

Paleontological Resources. The proposed project site is located on sand dune deposits, which are generally too young to contain significant paleontological resources.

Impact.

Archaeological Resources. Based on the results of the Phase I and Phase II reports, it is unlikely that significant archaeological resources are present on the project site. Inadvertent additional disturbance to noted deposit areas offsite may occur if construction materials and equipment are used or stored offsite.

Historical Resources. Based on the results of the *Supplemental Historical Resources Evaluation Report*, only one structure on the project site was constructed over 50 years ago. This structure is a one-room stable/shed with an unfinished interior and earthen floor. Based on the results of the report, the structure is not considered a significant historic resource or eligible for the California Register due to the structure's deteriorated condition, lack of distinguishing features, and lack of documented association with notable historic events or people (Greenwood and Associates; May 2005). No significant impacts to historical resources would occur as a result of the proposed project.

Mitigation/Conclusion.

Archaeological Resources. To ensure that archaeological resources are not inadvertently disturbed on adjacent parcels owned by the applicant, the applicant has agreed to install temporary construction fencing along the perimeter of the project site, including the boundaries of Magenta Lane and Primrose Place road improvements. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits. Based on implementation of protection measures, impacts to archaeological resources would be avoided.

6. GEOLOGY AND SOILS - **Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site is gently to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide and liquefaction potentials are low. No active faulting is known to exist on or near the project site. The project is within a known area potentially containing serpentine or ultramafic rock or soils. The applicant submitted a *Soils Engineering Report* (Earth Systems Pacific; January 13, 2004). Based on the results of the report, the project site is suitable, from a soils engineering standpoint, for the proposed residential subdivision. There is no evidence that measures above what would already be required by ordinance or code are necessary.

Drainage. The area proposed for development is outside the 100-year Flood Hazard designation. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 0.5 mile to the east. As described in the NRCS Soil Survey, the soil is considered well drained. The applicant proposes to install an underground stormwater basin beneath the proposed Oak Terrace Circle cul-de-sac. The proposed underground basin would be permeable. In addition, a storm drain would be installed within Primrose Lane, and would discharge stormwater into two aboveground stormwater basins to be located offsite on an adjacent parcel owned by the applicant. Based on the results of the *Soils Engineering Report*, the soils onsite have differing percolation rates, and recommends excavation down to suitable material and consistent maintenance of stormwater basins to ensure effectiveness (Earth Systems Pacific; January 13, 2004). There is no evidence that

measures above what would already be required by ordinance or code are necessary.

Sedimentation and Erosion. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell characteristics. Implementation of the proposed project would result in the disturbance of approximately four acres. The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

Impact. Grading for and construction of fifteen residences, roadways, associated paving, landscaping and drainage improvements would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Total grading activities and site disturbance would be approximately four acres for the proposed project, and would be subject to County Ordinance requirements (Section 22.52.090 Erosion and Sedimentation Control Plan) and the NPDES program.

Mitigation/Conclusion. Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP, geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Gilbert Portillo;

June 30, 2003). The project is not within the Airport Review area. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. Pursuant to State Fire Code, standard fire safety measures would be required for future development, such as adequate water supply connection, access road and driveway standards, and fuel modification. Implementation of standard requirements would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Noise Exposure. The proposed project site is located approximately 1,000 feet west of Highway 101 and approximately 300 feet north of West Tefft Street. These roads are the primary source of noise in the area. According to the *County Noise Element*, the area proposed for residential development is located outside of the 60 Ldn noise level contour (County of San Luis Obispo; May 1992).

Noise Generation. Implementation of the proposed project would potentially result in the generation of traffic trips, which would contribute to the cumulative generation of transportation-related noise. The proposed project site is located in the midst of a major highway, expanding commercial development and residential development; therefore, generation of these trips would not result in a significant level of transportation-related noise.

Impact. Based on the location of the proposed residential development, noise impacts would be less than significant.

Mitigation/Conclusion. No significant noise impacts were identified, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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9. POPULATION/HOUSING -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. The proposed project does not include specifically identified affordable housing. Prior to map recordation, the applicant is required to pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project. No significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo CDF Station 20) is located approximately one mile to the east. The closest Sheriff substation is in Oceano, which is approximately ten miles from the proposed project. The project is located in the Lucia Mar Unified School District. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts. Implementation of the proposed project and occupation of 15 residential units would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

Mitigation/Conclusion. In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees (Greg Martin; May 24, 2004). No additional mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. TRANSPORTATION/ CIRCULATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is accessed from Magenta Lane, which is located on West Tefft Street, approximately 1,000 feet west of the Highway 101 and Tefft Street interchange. West Tefft Street is an arterial that extends from Orchard Road to the west, crosses through the Highway 101 interchange, and continues east past the Nipomo URL limits. The applicant proposes to construct three onsite access roads, Primrose Lane, Oak Terrace Lane, Oak Terrace Circle. Oak Terrace Lane and Primrose Lane would intersect with Magenta Lane. Magenta Lane would be improved to County standards.

Impact. The proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within

Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

Mitigation/Conclusion. The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project's waste disposal needs would be served by the Nipomo Community Services District (NCSD). The Department of Environmental Health has received a "preliminary will serve" letter from the NCSD, which has indicated it has adequate resources to serve the project (Laurie Salo; June 9, 2004). The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves the main community, including the proposed project site. Based on the County *Annual Resource Summary Report* (2004), the Southland facility was at 47.4 percent capacity, based on a served population of 7,810. The facility would reach capacity at a population of 16,477. Implementation of the proposed project would not significantly affect the capacity of the facility.

Mitigation/Conclusion. The NCSD issued a preliminary intent-to-serve letter for sewer services. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is gently to moderately sloping. Standard drainage and erosion control measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project (Laurie A. Salo; June 9, 2004). The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 2.3% growth limit, as depicted in the Growth Management Ordinance. Effective immediately, the County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also effective immediately, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 2.3% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use recirculating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project site is not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent with existing land uses because it is a residential project in the vicinity of mixed residential and commercial development.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

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16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☒ ☐ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input checked="" type="checkbox"/>	County Parks and Recreation Division	Attached
<input checked="" type="checkbox"/>	County Assessor Department	No Response
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Department of Conservation	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input checked="" type="checkbox"/>	Public Utility Companies	In File**
<input checked="" type="checkbox"/>	Nipomo Community Services District	Attached
<input checked="" type="checkbox"/>	Nipomo Community Advisory Council	Attached
<input checked="" type="checkbox"/>	Regional Transit Authority	Attached

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input checked="" type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- C.A. Singer & Associates, Inc. March 15, 2004. *Cultural Resources Survey and Impact Assessment.*
- C.A. Singer & Associates, Inc. December 2, 2004. *Phase II Subsurface Testing at 128 Mary Avenue.*
- C.A. Singer & Associates, Inc. December 19, 2004. *Phase II Subsurface Testing at the Edge of Archaeological Site CA-SLO-809.*
- Earth Systems Pacific. January 13, 2004. *Soils Engineering Report Oak Terrace Subdivision.*
- Greenwood and Associates. May 2005. *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report.*

Exhibit B - Mitigation Summary Table

Aesthetics

- V-1 Prior to issuance of construction permits**, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials.
- V-2 Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.

Air Quality

- AQ-1 Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-2 Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- AQ-3 Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- AQ-4 In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

AQ-5 Prior to issuance of construction permits, proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units. APCD approved devices include the following:

- a. All EPA-Certified Phase II wood burning devices.
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
- c. Non-catalytic wood burning devices that emit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
- d. Pellet-fueled woodheaters.
- e. Dedicated gas-fired fireplaces.

Biological Resources

BR-1 Prior to issuance of construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, 32 coast live oak trees removed as a result of the development of the project, for a total replacement count of 128 coast live oak trees. All oak trees five inches in diameter or larger at four feet from the ground within the project area shall be shown on project plans. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

BR-2 Prior to final inspection of subdivision improvements or grading permits, and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BR-3 To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation

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with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

- BR-4 Prior application for construction permits,** a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, the applicant shall post a performance bond, equal to the cost estimate.
- BR-5 Prior to issuance of construction permits,** the applicant shall enter into a conservation easement with the County in perpetuity or pay a compensatory fee as directed by the County into an oak preservation/restoration fund for future development areas. The intent of the open space agreement is primarily to protect the populations of coast live oak trees. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. All hoofed animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable structures shall be setback from the edge of the open space/ conservation easement area the distance recommended by CDF. This setback shall be **shown on all applicable future construction plans.**
- BR-6 Prior to final inspection of subdivision improvements or grading permits,** the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant (this hand removal weeding shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for seven years, whichever occurs first. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.
- BR-6 Prior to commencement of tree removal,** to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March through August), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

- CR-1 Prior to issuance of grading and construction permits,** the applicant shall install temporary construction fencing along the perimeter of the project site, including the boundaries of Magenta Lane and Primrose Place road improvements. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.

Geology and Soils

- GS-1 Prior to issuance of grading permits for tract improvements,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Recreation

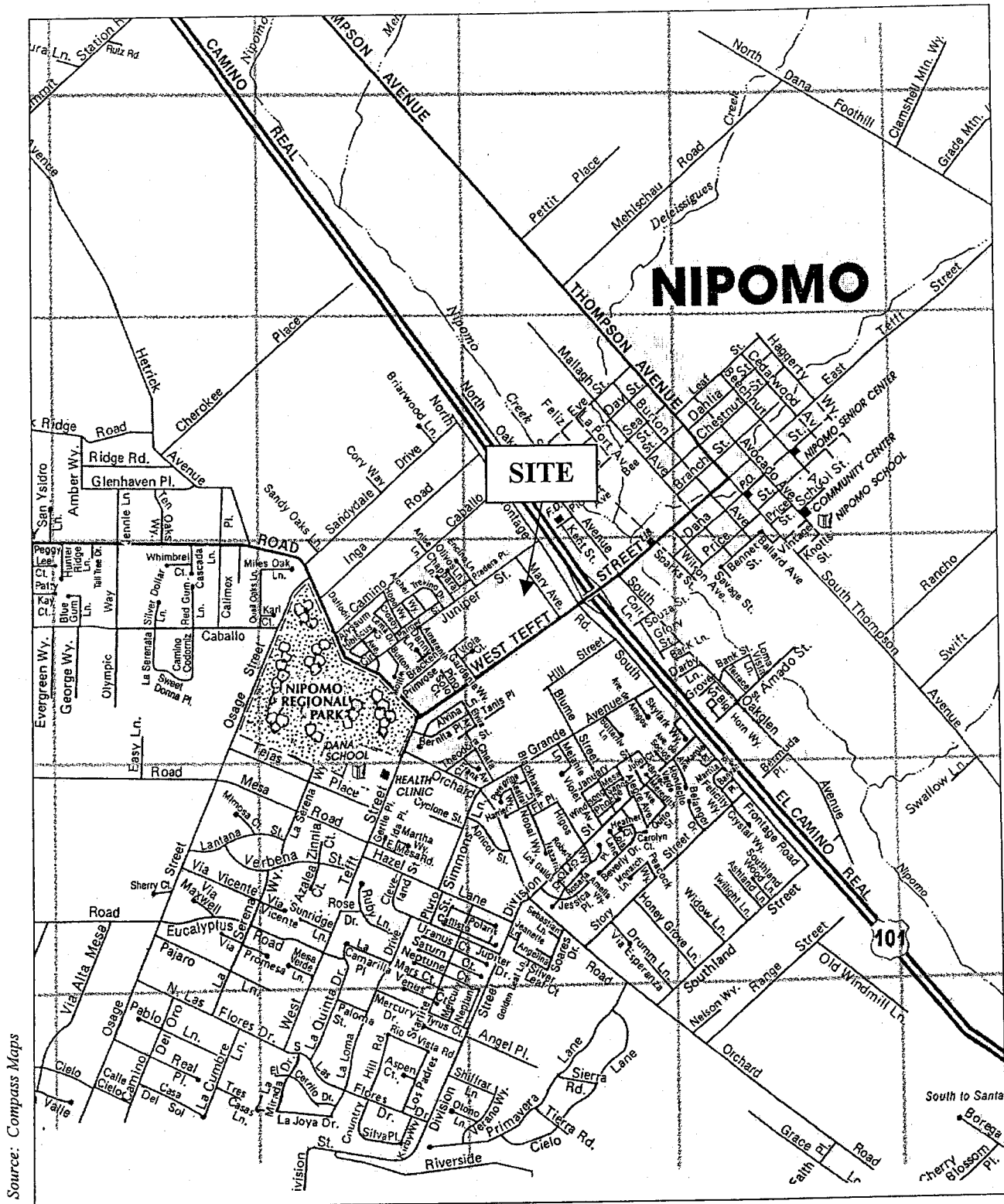
- R-1 Prior to recordation of final map,** the applicant shall pay all applicable Quimby and Building Division Fees.

Wastewater

- WW-1 Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

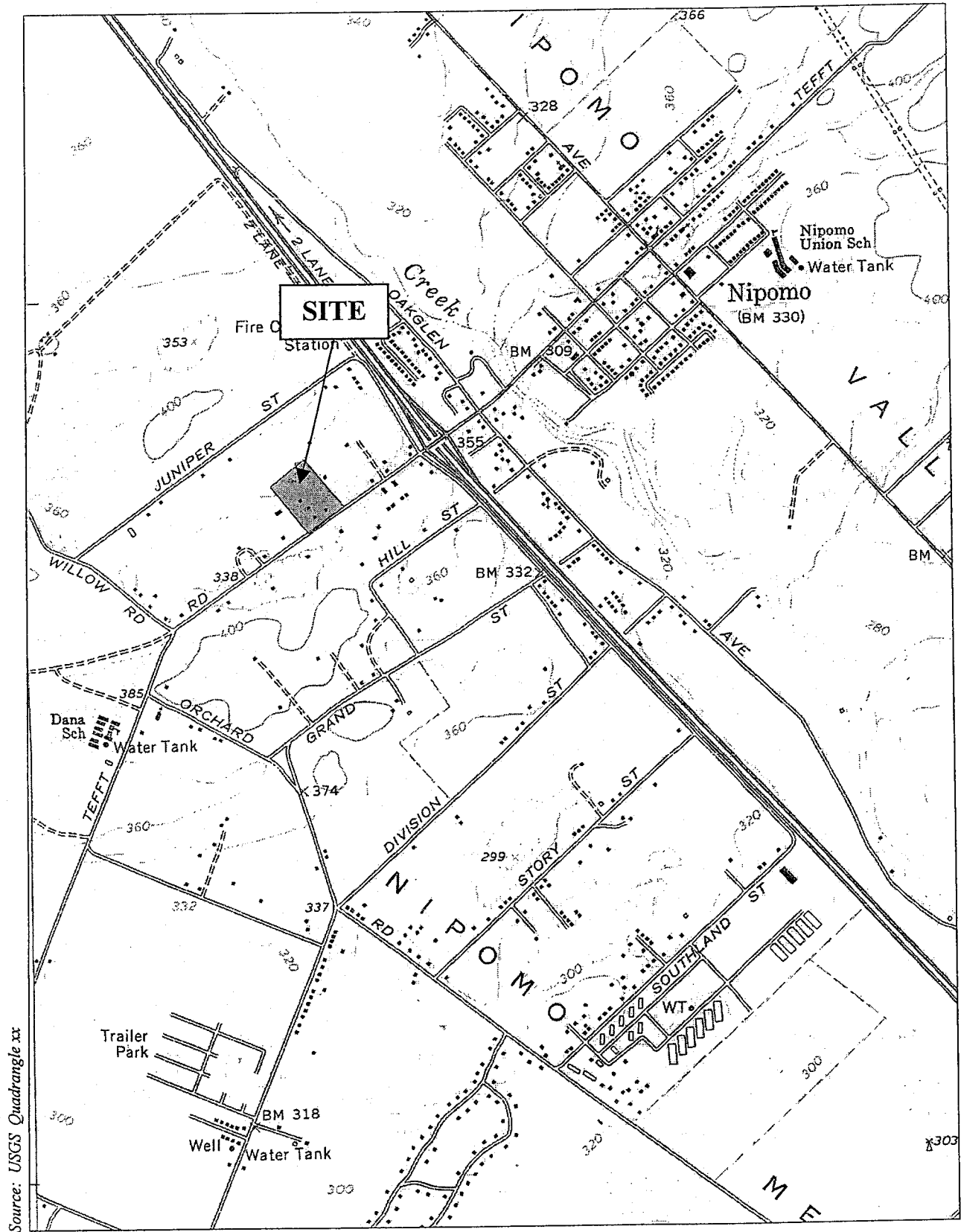
Water

- W-1 Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2 Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance,** the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3 Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.



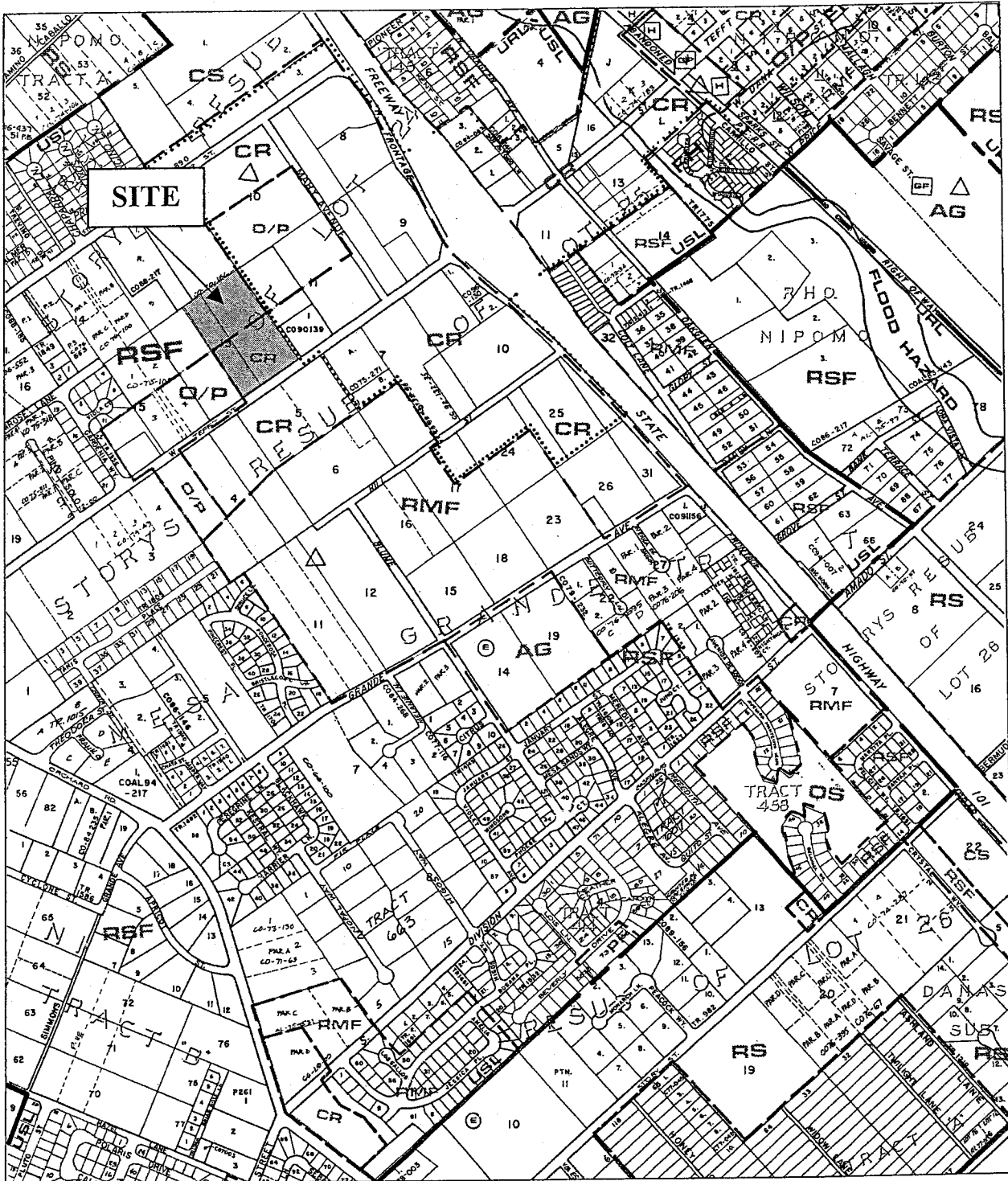
NORTH
Not to Scale

VICINITY MAP
FIGURE 1



NORTH
Not to Scale

LOCATION MAP
FIGURE 2



NORTH
Not to Scale

LAND USE CATEGORY
FIGURE 3

**DEVELOPER'S STATEMENT FOR THE
OAK TERRACE TRACT MAP; S020372T TRACT 2558**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETICS

- V-1** Prior to issuance of construction permits, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials.

Monitoring: The Planning and Building Department shall verify receipt of required materials.

- V-2** Prior to final inspection, the applicant shall implement the approved landscape plan and color and materials board.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

- AQ-1** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible.
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Monitoring: The Planning and Building Department in consultation with the County Air Pollution Control District shall verify compliance.

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- AQ-2** Prior to issuance of demolition permits, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-3** Prior to issuance of grading and construction permits, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-4** In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-5** Prior to issuance of building permits, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, and;
- e. Dedicated gas-fired fireplaces.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

BIOLOGICAL RESOURCES

BR-1 Prior to issuance of the first building permit, the applicant shall enter into an off-site conservation easement with the County or pay a compensatory fee as directed by the County into an oak preservation/restoration fund for future development areas for 16 of the 32 coast live oak trees to be removed. The remainder of the 16 coast live oak trees shall be replaced at a 4:1 ratio, for a total count of 64 coast live oak trees as discussed in BR-2 below. The intent of the open space agreement is primarily to protect the populations of coast live oak trees. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. All hoofed animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable future structures shall be setback from the edge of the open space/ conservation easement area the distance recommended by CDF. This setback shall be shown on all applicable future construction plans.

Monitoring: The Planning and Building Department shall verify receipt of required materials, fees, and plans.

BR-2 Prior to issuance of the first building permit, the applicant shall submit for county-approval, an Off-site Restoration Plan prepared by a county-qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) that shows a comparable off-site area can be restored with coast live oak trees. The site must have the following components:

- a. The off-site area is owned or controlled by a non-profit or governmental agency;
- b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
- c. There is comparable area available for coast live oak restoration;
- d. It is within close proximity of the subject property;
- e. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);
- f. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting, all restoration work, and monitoring/ maintenance/ remedial work for at least 7 years;
- g. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored;
- h. If targeted area fails, bond shall be applied to establishing a second area.

The plan shall provide for the replacement, in kind at a 4:1 ratio, 16 coast live oak trees removed as a result of the development of the project, for a total replacement count of 64 coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from

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continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g. deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-3** Prior to final inspection of subdivision improvements or grading permits, and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building in compliance with the Off-site Restoration Plan.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-4** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years, in compliance with the Off-site Restoration Plan. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-5** Prior to commencement of tree removal, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March through August), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Monitoring: The Planning and Building Department shall verify compliance.

CULTURAL RESOURCES

CR-1 Prior to issuance of grading and construction permits, the applicant shall install temporary construction fencing along the perimeter of the project site, including the boundaries of Magenta Lane and Primrose Place road improvements. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.

Monitoring: The Planning and Building Department and retained archaeological monitor shall verify compliance.

CR-2 Prior to recordation of the final map, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- f. Description of monitoring reporting procedures.

Monitoring: The Planning and Building Department shall verify receipt and approval of required plan.

CR-3 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Planning and Building Department and retained archaeological monitor shall verify compliance.

CR-4 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: The Planning and Building Department shall verify receipt of required report.

GEOLOGY AND SOILS

- GS-1** Prior to issuance of grading permits for tract improvements, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Monitoring: The Planning and Building Department shall verify compliance.

RECREATION

- R-1** Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Planning and Building Department shall verify compliance.

WASTEWATER

- WW-1P** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Monitoring: The Planning and Building Department shall verify compliance.

WATER

- W-1** Prior to issuance of building permits, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-2** Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 1/2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-3** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Monitoring: The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

George Newman
Signature of Owner(s)

7/18/05
Date

General Partner of Oak Terrace, LP

George Newman
Name (Print)

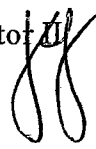
3-58



San Luis Obispo RTA

MEMO/FAX

June 2, 2004

TO: Brian Pedrotti / South County Planning
FROM: Jason Gillespie - Transit Systems Coordinator 
RE: Hart / S020372T TR2558
CC: David L. Lilly, Regional Transit Manager
File

Brian,

I have reviewed the plans for the above named residential development. Thank you for the opportunity to review this project. Customarily, we request curbside transit-related improvements if the project falls along a transit route. If a project does not fall along a transit route, but is within ½ mile of an established bus stop, RTA requests an in-lieu fee. This in-lieu fee is typically equal to the current cost of installing a standard thirteen-foot, solar-lit shelter. That cost is approximately \$7,300 (I can provide a breakdown if needed). The fee is placed in an escrow account and subsequently applied to a new or existing bus stop (or stops) in the general area of the project.

Once RTA has received a check for the in-lieu fee, we issue a letter to the appropriate planning department stating that the developer has conformed to the conditions of approval for the referenced construction project. I have supplied a sample letter for your review.

We would appreciate your adding bus stop improvements, or an in-lieu fee, as a condition of approval for this and any other proposed project in San Luis Obispo County.



3-59

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

GENERAL SERVICES

2004 MAY 21 AM 10:42

VICTOR HOLANDA, AICP
DIRECTOR

BP

PROJECT REFERRAL

DATE: May 20, 2004

TO: Parks + REC Hart / S020372T TR 2558
Project Name and Number

FROM: Brian Pedrotti / South County Planning
Development Review Section (Phone 781-5183) ()

PROJECT DESCRIPTION: Re-submittal of tract map - for Oak Terrace residential development
ONLY (15 lots). Separates residential portion from original 33-lot residential and commercial project

Return this letter with your comments attached no later than: June 2, 2004

PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

Require Quimby fees and applicable Building Department
fees

5/24/04
Date

Greg Martin
Name

x 4388
Phone

G:\Current\Geo Teams\Forms\Project Referral

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

JUN 09 2004

Planning & Bldg



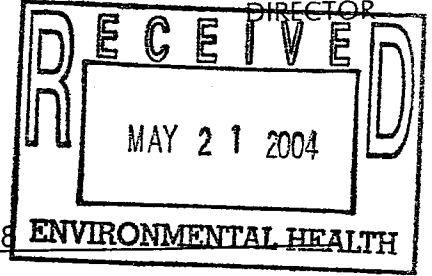
3-60

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

BP

VICTOR HOLANDA, AICP
DIRECTOR



PROJECT REFERRAL

DATE: May 20, 2004

TO: Env. Health Hart / S020372T TR 2558
Project Name and Number

FROM: Brian Pedrotti / South County Planning
Development Review Section (Phone 781-5183) ()

PROJECT DESCRIPTION: Re-submittal of tract map - for Oak Terrace residential development
ONLY (15 lots). Separates residential portion from original 33-lot residential and commercial project

Return this letter with your comments attached no later than: June 2, 2004

PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

Applicant shall provide an intent to serve or will serve from Nipomo Community Services District for water and sewer service to this office.

6/9/04
Date

G. Salas
Name

781-5551
Phone

G:\Current\Geo Teams\Forms\Project Referral

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3-61
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 11 2004

VICTOR HOLANDA, AICP
DIRECTOR

PROJECT REFERRAL

DATE:

5/11/04

FROM

Public Works (A. Goodman)

SD20372T / TR 2558

Project Name and Number

FROM
70

B. Pedioth

Development Review Section (Phone 781-) ()

PROJECT DESCRIPTION:

Revisions to Tract Map - TR 2558 will
be for Oak Terrace only - 15 SF lots. Title report also included.

Return this letter with your comments attached no later than:

5/19/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

RECOMMENDS APPROVAL - STUCKS ATTACHED. NEED to COMPLETE COAL 03-0251
BEFORE THIS IS FINALLIED.

14 JUNE 2004

Date

Goodman

Name

5252

Phone

G:\Current\Geo Teams\Forms\Project Referral

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

RECEIVED

MAY 27 2004

Planning & Bldg

BP 3-62

DATE: May 26, 2004

TO: South County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise /AA
San Luis Obispo County Air Pollution Control District

SUBJECT: Oak Terrace Residential Development (S020372T/TR 2558)

Thank you for including the APCD in the environmental review process. We have completed our review of the Oak Terrace Residential Development Project located on Magenta Lane and Mary Avenue in Nipomo. We have the following comments on the proposal.

Construction Phase Emissions

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. District staff recommends the following measures be incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

Asbestos has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, a geologic evaluation will be necessary to determine if naturally occurring asbestos is present. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM**

3-63

Oak Terrace (S020372T/TR2558)
May 26, 2004
Page 2 of 2

for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Operational Phase Emissions

We would like to commend the applicant for proposing development within the urban reserve line. The District supports higher density development within the urban core, as opposed to development at the urban fringe. This in-fill development makes walking, bicycling and public transportation more viable, decreasing dependence on driving and therefore reducing emissions from motor vehicles. This type of project is consistent with the goals and policies of the District's Clean Air Plan.

District staff conducted a screening level air quality impact assessment for operational impacts from this project. Based on the information provided in the project referral the unmitigated project will not likely exceed the District's Tier I CEQA significance threshold for operational phase emissions.

Wood Burning Devices

As you may be aware, under District Rule 504, only District approved wood burning devices can be installed in new dwelling units. District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments please contact me at 781-4667.

cc: Karen Brooks, SLOAPCD Enforcement Division
Tim Fuhs, SLOAPCD Enforcement Division

MAG/sll

H:\OIS\PLAN\RESPONSE\2716-2.doc



CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

3-64

June 30, 2003

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

Dear South County Team,

COMMERCIAL FIRE SAFETY PLAN

Name: Hart

Project Number: Tract 2558

The Department has reviewed the tract map plans submitted for the proposed commercial, residential, restaurant and assisted living facilities project located at Mary and Juniper, Nipomo. The property is located within a moderate fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

FIRE EXTINGUISHING SYSTEM

- The proposed project is required to install a commercial fire/life safety sprinkler system in all facilities except the single family residences.
- Single family residences over 5,000 square feet require a fire/life safety sprinkler system complying with NFPA 13-D.
- The automatic fire extinguishing system shall comply with National Fire Protection Association Pamphlet 13, 231, 20, and 22 for commercial occupancies.
- The fire sprinkler system shall be designed as a minimum "ordinary hazard group II".
- Plans shall be submitted for review and approval to the County Building Departments.
- The Contractor shall be licensed by the State of California [CFC 1003.1.1 amended/Title 19, Section 19.20.029 (a)].
- The fire sprinkler system shall be monitored by a licensed alarm company.

FIRE PROTECTION ENGINEER REQUIREMENT

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). If you would like a list of Fire Protection Engineers, it is available on our website at www.cdfslo.org. The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

3-65

COMMERCIAL WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended and Appendix III-A.
- The proposed project shall provide a minimum 1,500 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

WATER SUPPLY CONNECTION

- Several fire hydrants shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

C:Lan Dev. LLC, owner
Cannon Associates, agent

PROJECT REFERRAL
COMMUNITY ADVISORY COUNCIL

RECEIVED

JUL 22 2003

Planning & Bldg

Date Referred: 5/19/03 **3-66**
Project Planner/Manager: LA/SF

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your community group, we are enclosing a copy of the project application and plan for your preliminary review and comment. Please comment on all issues that you see may be associated with this project.

You may want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant / agent are provided on the application form that is attached.

PROJECT INFORMATION

File Number: S020372T Applicant: Hart
Request: Tract Map - DEV PROPOSAL
FOLLOW

STAFF COMMENTS

C.A.C. COMMENTS *The attached checklist is to help you with your review. You may choose to complete the checklist as your only response to this referral.*

- ☐ We have received the referral on the above-referenced project and have no comments.
☒ We have received the referral on the above-referenced project and have the following comments:

6/30/03: BOARD APPROVED, REQUESTED FOLLOWING:
CURVILINEAR SIDEWALKS WHERE POSSIBLE. TOTAL PROJECT TO BE
INTEGRATED EVEN IF PHASED. DEVELOPER/BUILDER TO CONFORM W/
THE PROPOSED W. TEFET CORRIDOR GUIDELINES

Please let us know the following:

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want to receive notice of the public hearing for the project? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want a copy of the staff report when the project goes to public hearing? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want to receive notice of the final action for the project? |

Date Referral Action Taken By Community Advisory Council: _____